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Auth.***O. T. Marshall Architects**

April 24, 2008

Mr. Myron Lowry, Chairman
Memphis Charter Commission
Memphis, Tennessee

Dear Myron,

I write to you today as a humble architect and citizen of Memphis no longer affiliated with the governance of our great city. Instead I must admit that the quiet life has shown its advantages as I reacquaint myself with relative obscurity. It is with great hesitation that I weigh into this honorable discussion if for no other reason than to fulfill my family commitment to remain as anonymous as possible. The subject at hand, however, is far too great to allow the experiences twenty years of public service to go without comment; I, therefore appreciate the opportunity to place these thoughts before you.

Memphis is a great and wonderful place to live. I rebuke those that say otherwise. The foundation of greatness however, often depends on the level of participation the collective community has in deciding its destiny. It is without dispute that the office of Mayor serves as the most critical role in charting a city's course. The Council serves to provide public policy and governmental oversight. It does not and should not involve itself in the everyday operations of government having seen this occur in other governmental venues, I can attest to the paralytic impact it has on the delivery of public services.

During many years of service, I was often told by various City Attorneys that the Mayor was the "sole contracting officer"; even though it seemed to conflict with the basic principal of checks and balances in any given democracy. After all, I seemed to be the one fielding constituent telephone complaints ranging from minority construction participation at the FedEx Forum to the construction of Riverbluff walks in order to enhance our City. It simply did not seem right that the constituents would be powerless by virtue of my being powerless on these issues. I then surveyed other cities and found that no other city of our size had such a provision.

Upon further investigation I found that the phrase "sole contracting officer" was not an extract from the Charter but rather interpretation handed down from one City Attorney to the next. Please keep in mind that City Attorneys are obligated to the person that appointed them and understandably so.

This does not make them unethical on matters shrouded in gray. It simply makes them survivors in often treacherous political waters.

I say all of this not to in any way disparage our current Mayor or past and current City Attorneys. The language in the Charter is vague; the Memphis City Council has spent untold hours debating its meaning. This body has an incredible opportunity to refocus future Council's attention on matters of greater importance. I ask Commissioners to consider one of two options:

- A. Establish a Mayor - Council relationship similar to that of the Mayor and Shelby County Commission wherein upon certain dollar amount thresholds are achieved (and perhaps higher than the one that currently exists in the County), Council approval is required. Notice of this approval should be placed on the Council agenda for open discussion including citizens at large. Maintain the current provision which disallows Council members from soliciting contracts for third parties or directing the administration from one vendor to the other.

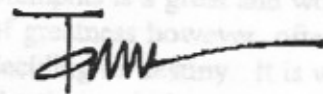
Or

- B. Place within the Charter that the Mayor is indeed the "sole contracting officer" so that future governments can move beyond this futile question.

I personally believe that one only has to look at the Beale Street Management Agreement whose disastrous consequences have far outlived the interim Mayor's reign who signed it. It was for all practical purposes done in the stealth of night without Council approval or community input.

Thank you for this opportunity to present my humble opinion as a citizen of this great City.

Sincerely,



Tom Marshall, Architect (A.I.A.)
Memphis Resident

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NO
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authority
in City
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